

**COUNTY COUNCIL OF FREDERICK COUNTY
WORKSHOP MINUTES
Tuesday, April 12, 2016**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the workshop.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; and Joyce Grossnickle, County Executive's Office.

Council President Otis called the workshop to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The workshop began with a moment of silence followed by the Pledge of Allegiance.

Agricultural Rights Transfer Option (ARTO)

County staff present for this discussion were Steve Horn, Jim Gugel, Mike Wilkins, and Anne Bradley of the Planning and Permitting Division.

For the benefit of the County Council, county staff provided background information on the issue of ARTO and the basis for having ARTO repealed. Mr. Horn indicated it was staff's desire to have the Council repeal ARTO by adopting the draft bill as outlined in the staff report, pursue a reinstatement of the Tier IV exemption from the Maryland Department of Planning, and to initiate a discussion of a traditional Transfer of Development Rights (TDR) program.

No action was taken by the County Council at this time as this agenda item was for informational purposes.

Adequate Public Facilities Ordinance (APFO) Amendments to Remove Approval as Part of a Developers Rights and Responsibilities Agreement (DRRA)

County staff present for this discussion were Steve Horn and Jim Gugel of the Planning and Permitting Division; and Kathy Mitchell, County Attorney's Office.

For the benefit of the County Council, county staff provided background information on the issue of the APFO and how Ordinance No. 12-04-599 (adopted by the prior Board of County Commissioners in 2012) has affected the process since its passage.

County staff is interested in having the County Council adopt the draft bill as outlined in the staff report that would essentially amend Chapter 1-19 (Zoning), Chapter 1-20 (APFO), and Chapter 1-25 (DRRA) of the Frederick County Code in order to restore a longstanding public process of considering an application for rezoning separately from the DRRA and the APFO and to restore the adequate public facilities determination by the Frederick County Planning Commission (FCPC), after Phase I or zoning approval and prior to or at Phase II approval. This would preclude approval of APFO Letters of Understanding (LOU) by an entity other than the FCPC and restore a functional

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process. The end result would be an improved development review and approval process for interested citizens and encourage public participation.

No action was taken by the County Council at this time as this agenda item was for informational purposes.

Motion to go into Closed Session

Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Topic: To provide an update on and discuss with the County's attorneys the upcoming proceedings in pending and potential litigation.

Council Member Keegan-Ayer moved to go into Closed Session. Council Member Fitzwater seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Adjourn

The meeting adjourned at 6:21 p.m.

Bud Otis, President
County Council

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, APRIL 12, 2016**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 6-1, with Council Member Shreve opposed, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Time and Location:

6:29 p.m. – Council Conference Room, Winchester Hall

Topic to be Discussed:

To provide an update on and discuss with the County's attorneys the upcoming proceedings in pending and potential litigation.

Bud Otis, President
County Council

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON MONDAY, APRIL 18, 2016,
FOLLOWING THE CLOSED MEETING OF TUESDAY, APRIL 12, 2016**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 6-1, with Council Member Shreve opposed, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Time and Location:

6:29 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

R. Cherney, J. Mathias, M. Chomel, W. Kearney, K. Mitchell, and S. Horn

Topic to be Discussed:

To provide an update on and discuss with the County's attorneys the upcoming proceedings in pending and potential litigation.

Action Taken:

No action was taken.

Bud Otis, President
County Council